



Request for Shoreland Variance RSA 483-B:9, V(g)

Wetlands Bureau
P.O. Box 95, 29 Hazen Drive
Concord, NH 03302-0095

GENERAL INSTRUCTIONS: Type or print clearly; missing information may delay your request. Use a separate form for each variance requested.

1. NAME OF OWNER:

Last First Middle

MAILING ADDRESS:

Street/Box # Town/City State Zip

TELEPHONE FAX EMAIL

2. LOCATION OF PROPERTY FOR WHICH A
VARIANCE IS BEING REQUESTED:

Street/Box # Town/City

TAX MAP #s: _____ LOT #s: _____ BLOCK #s: _____

3. NAME OF WATERBODY:

4. NAME OF APPLICANT:

(If different than owner) _____
Last First Middle

MAILING ADDRESS:

Street/Box # Town/City State Zip

TELEPHONE FAX EMAIL

5. DESCRIPTION OF VARIANCE REQUESTED:

STANDARD: RSA 483-B:9, V (e.g. RSA 483-B:9,V(b)(2)(A)(i) says the leachfield must be 125 feet from the reference line.)

HOW DO YOU WISH TO VARY FROM THIS STANDARD? Briefly describe the relief requested. (e.g. "Setback of less than 125 feet from reference line for septic system," RSA 483-B:9, V (b)(2)(A)(i).")

6. JUSTIFICATION FOR THE VARIANCE: On separate pages, provide documentation of the reasons for the necessity of the requested variance. Plans and photographs should be attached as part of your explanation. Describe what reasonable use of your property you would be denied if you had to comply with the literal meaning of the standard. An example would be a lot-of-record in which the only reasonable location for constructing a septic system is closer to the reference line because of the physical features of the property. Your narrative must address each of the following points:

- ***The literal enforcement of the standard would result in an unnecessary hardship.*** To establish unnecessary hardship you must prove that the standard for which you are requesting the variance:
 1. Would interfere with the reasonable use of the property, considering the unique setting of the property in its environment.
 2. Has no fair and specific relationship between the general purposes of RSA 483-B and the restrictions on your property.
 3. Does not injure the public or private rights of others when applied to your property.
- ***Granting a variance will not result in the diminution in value of surrounding properties.*** You must demonstrate that granting the variance would not cause diminution of surrounding property values. To do this, you must show that the variance is consistent with the existing neighborhood and adjoining shoreline, will not result in a nuisance, and will not diminish the reasonable use of neighboring properties.
- ***The variance would not be contrary to the spirit of RSA 483-B.*** RSA 483-B:2 declares that the standards are necessary to protect the public waters of the State of New Hampshire, and lists 16 specific purposes for those standards. You must show that a variance, as applied to your specific property, would not be contrary to any of those purposes.
- ***Granting variance would not be contrary to the public interest.*** The public waters of New Hampshire are valuable resources held in trust by the State, and the public has an interest in protecting those waters and shorelines from degradation. You must show that a variance would not interfere with the greater public benefit.
- ***Granting variance would do substantial justice.*** You must show that granting the variance would be a fair and reasonable decision. One way to do this is to show that, in combination with mitigating measures, the net result will have the same or greater protection for the public water as meeting the standard itself. Mitigating measures include providing additional protections above and beyond the minimum standards. For example: Re-establishing a natural woodland buffer along a section of shoreline that was cleared prior to the enactment of RSA 483-B could be used to balance the impact of a septic system being built closer to the public water. Merely meeting the requirements of another standard or jurisdiction would not be considered a mitigating measure.

7. SIGNATURES: The signature(s) below certifies that a copy of this application, with all attachments, has been provided to the municipal conservation commission in the city or town where the property is located (or selectmen if there is no conservation commission), and that the information provided is true and accurate.

OWNER _____ Date _____

APPLICANT _____ Date _____
If different than owner